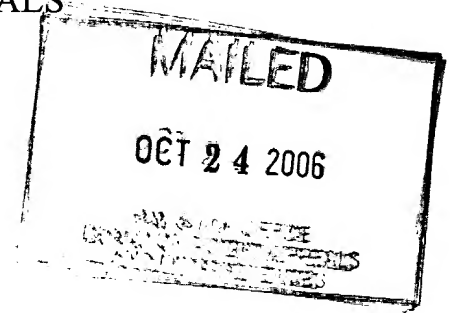


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte FUMITAKE YODO

Application No. 09/600,509



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on September 22, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

Information Disclosure Statements (IDS's) were filed on September 6, 2005 and on April 11, 2006. A review of the Image File Wrapper reveals that the examiner has not considered these IDS's. According to MPEP § 609 which states:

“ . . . The Examiner must also fill in his or her name and the date the information was considered in blocks at the bottom of the PTO-1449 or PTO/SB/08A and 08B form.”

On April 19, 2006, an Examiner's Answer was entered into the record. On page 3 of the Examiner's Answer is the citation "White Ron, Computers Work, 4th Ed., Que Corporation, September 18, 1998" as prior art. The above reference is missing from the electronic file.

Accordingly, it is

ORDERED that the application is returned to the Examiner for:

1) consideration of the IDS's filed on September 6, 2005 and on April 11, 2006;

2) entry of the "White Ron, Computers Work, 4th Ed., Que Corporation, September 18, 1998 reference into the electronic file; and

3) for further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: *G. Edgar for Dale Shaw*
DALE M. SHAW
Deputy Chief Appeals Administrator
(571) 272-9797

DMS/dal

Application No. 09/600,509

JAY H. MAIOLI
COOPER & DUNHAM
1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036